

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Iowa Wireless Services, LLC, d/b/a i	:	
Wireless and Iowa Wireless Services,	:	
LP	:	
	:	04-0628
Application for Certificate to Become a	:	
Telecommunications Carrier and	:	
Cancellation of Certificate of Service	:	
Authority.	:	

ORDER

By the Commission:

In the application filed with the Illinois Commerce Commission ("Commission") in this proceeding, as amended in a Verified Amendment to the Application filed January 19, 2005 ("Amended Application"), Iowa Wireless Services, LLC, d/b/a i wireless ("Iowa LLC") and Iowa Wireless Services Holding Corporation ("Iowa Holding") jointly seek a Certificate of Service Authority to provide commercial mobile radio services ("CMRS") in Illinois pursuant to Section 13-401 of the Public Utilities Act ("Act"), 220 ILCS 5/13-401. In addition, the Amended Application requests cancellation of the Certificate of Service Authority currently held by Iowa Wireless Services, LP ("Iowa LP"). Iowa LLC, Iowa LP and Iowa Holding are sometimes referred to in this order as "Applicants."

On January 28, 2005, the Staff of the Commission ("Staff") filed its response to the Amended Application.

Pursuant to due notice, a prehearing conference and a hearing were held before a duly authorized administrative law judge of the Commission at its offices in Springfield, Illinois. Respective counsel for Applicants and the Commission Staff entered appearances. At the conclusion of the hearing on January 28, 2005, the record was marked "Heard and Taken." A draft order was filed by Applicants on February 17, 2005.

Background; Statutory Authority

Iowa LP, a limited partnership, was issued a Certificate of Service Authority in Docket No. 02-0053, authorizing it "to provide domestic public cellular radio telecommunications service in Illinois in the 634 LATA." The Order in that docket, entered May 8, 2002, found that the Federal Communications Commission ("FCC") had issued an operating license to operate a cellular radio system in the area defined by the FCC. The Certificate of Service Authority was issued to Iowa LP pursuant to the simplified

procedures of Section 13-401 of the Act applicable to a cellular radio application. Section 13-401 provides in part:

[T]he Commission shall approve a cellular radio application for a Certificate of Service Authority without a hearing upon a showing by the cellular applicant that the Federal Communications Commission has issued to it a construction permit or an operating license to construct or operate a cellular radio system in the area as defined by the Federal Communications Commission, or portion of the area, for which the carrier seeks a Certificate of Service Authority.

Relief Sought in Current Docket

In the instant proceeding, Applicant states that Iowa LP no longer exists as a legal entity as it was converted from a limited partnership to a limited liability company known as Iowa Wireless Services, LLC. In addition, a holding company, Iowa Wireless Services Holding Corporation ("Iowa Holding"), which is a wholly owned subsidiary of Iowa LLC, was formed. Given these events, the instant application was filed.

In terms of the FCC licenses, Iowa Holding is now the holder of those licenses, while Iowa LLC is the operating company providing the cellular services under the FCC licenses held by Iowa Holding. Thus, Staff recommended that a Certificate of Service Authority be issued jointly to Iowa Holding and Iowa LLC. For purposes of resolving the issues in this proceeding, Applicants do not object to Staff's recommendation and their Amended Application includes, among other things, a request for such relief.

The Commission agrees with Staff that granting a Certificate of Service Authority jointly to Iowa Holding and Iowa LLC is consistent with the provisions of Section 13-401 cited above. A certificate should be granted accordingly as set forth below.

As noted above, Applicants also request cancellation of the Certificate of Service Authority currently held by Iowa LP. Staff concurs in this request. According to Staff, due to the nature of the conversion, with Iowa LLC assuming the role of operating entity, there will be no discontinuation or abandonment of service for Iowa LP's subscribers. Therefore, Staff states, the Commission should determine that the notice requirements of Section 13-406 are inapplicable to the cancellation of Iowa LP's certificate of service authority since service will not be discontinued or abandoned. (Staff Response at 6 citing Amended Application at 7 and 220 ILCS 5/13-406)

The Commission finds that the request to cancel the Certificate of Service Authority issued to Iowa LP in Docket No. 02-0053 should be granted, provided that there is no interruption in service to customers.

Waiver Requests

In this proceeding, the Applicants seek waivers from 83 Ill. Adm. Code 210, 220, 255, 285, 300, 305, 315, 705, 710, 720, 725, 730, 735, 745 and 755, to the extent such Code parts are applicable. Staff supports this request, stating that similar relief was granted to Iowa LP in Docket 02-0053.

To the extent the requirements of these Code parts are otherwise applicable to Applicants as cellular carriers, and to the extent they are not statutorily mandated, they are hereby waived, subject to the conditions below. Such waivers would reduce the economic burdens of regulation on the Applicants and would not be inconsistent with the law or the purposes and policies of Articles XIII of the Act.

With regard to 83 Ill. Adm. Code ("Part 710"), Uniform System of Accounts ("USOA"), a waiver should be granted provided that Applicants maintain their accounting records in accordance with Generally Accepted Accounting Principles ("GAAP").

Applicants also seek permission to keep their books and records at their offices in Urbandale, Iowa, rather than in the State of Illinois, pursuant to 83 Ill. Adm. Code 250. This request is granted, provided that Applicants comply with the conditions set forth in 83 Ill. Adm. Code 250 and Section 5-106 of the Act.

Findings and Ordering Paragraphs

The Commission, after reviewing the entire record herein, is of the opinion and finds that:

- (1) Iowa Holding and Iowa LLC are telecommunications carriers within the meaning of Article XIII of the Public Utilities Act;
- (2) the Commission has jurisdiction over Applicants and the subject matter herein;
- (3) the facts recited and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings herein;
- (4) Iowa Holding and Iowa LLC should be jointly granted a Certificate of Service Authority pursuant to Section 13-401 of the Act as set forth below.

IT IS THEREFORE ORDERED that a Certificate of Service Authority is hereby granted jointly to Iowa Wireless Services, LLC and Iowa Wireless Services Holding Corporation, pursuant to Section 13-401 of the Act, as follows:

CERTIFICATE OF SERVICE AUTHORITY

IT IS HEREBY CERTIFIED that Iowa Wireless Services, LLC, d/b/a i wireless and Iowa Wireless Services Holding Corporation are authorized, pursuant to Section 13-401 of the Act, to provide commercial mobile radio services and/or cellular radio services in the areas in the State of Illinois in which Iowa Wireless Services Holding Corporation has been authorized to provide such services by the Federal Communications Commission.

IT IS FURTHER ORDERED that Applicants are granted waivers from certain requirements of 83 Ill. Adm. Code as found appropriate, and subject to the conditions, set forth above.

IT IS FURTHER ORDERED that the Certificate of Service Authority issued to Iowa LP in Docket No. 02-0053 is hereby cancelled, provided that there is no interruption in service to customers.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 23rd day of March, 2005.

(SIGNED) EDWARD C. HURLEY

Chairman